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EXAMINER
DINH, DUC Q

ART UNIT	PAPER NUMBER
2674	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 March 0305_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-116_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _105-116_ is/are allowed.

6)☒ Claim(s) _1-9,11-15,17-21,23-31,33-43,45-51,53-61,72-75,77-87,89-98 and 100-103_ is/are rejected.

7)☒ Claim(s) _10,16,22,32,38,44,52,62,71,76,88,99 and 104_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _4/5/05_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Terminal Disclaimer

1.   The terminal disclaimer filed on March 3, 2005 disclaiming the terminal portion of any

patent granted on this application which would extend beyond the expiration date of the U. S.

Patent No. 6,741,267 has been reviewed and is accepted. The terminal disclaimer has been

recorded.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 1-104, 115-116 are rejected under 35 U.S.C. 102(a) as being anticipated by

Ouellette et al. (U. S. Patent No. 5,581,243) hereinafter Ouellette.

In reference to claims 1-2, Ouellette discloses method an apparatus using a simulated

keyboard on a touch sensitive display (multitasking operating platform) in Fig. 2 and 3

comprising: a screen 28 (corresponding to the touch panel) and a simulated keyboard 50. The

simulated keyboard K (user input keyboard window display) can be used to enter data or

commands for running, for example, commercially-available standard software packages such as

data processing, spread sheet, and data-base management programs (active application window

display on the touch panel), which have been designed for use with conventional keyboard

devices. It can be appreciated that the simulated keyboard K is a general-purpose input device,

useful in conjunction with a broad range of computer application programs (col. 5, line 66 –

col.6, line 7). When used in conjunction with spreadsheet program, entire output screens (active application remaining input focus) can be viewed while entering or editing data into cells of the spreadsheet using the phantom keyboard (user contact with the keyboard is forwarded to the active program without input focus shifting to the keyboard application) [col. 3, lines 29-36].

In reference to claim 3, Ouellette discloses a plurality of alphanumeric keys as claimed.

In reference to claims 4-5, Ouellette discloses the phantom keyboard thus produced is of particular value **since it preferably operates using a memory resident routine which is independent of the application program being run**. For example, when used in conjunction with spread sheet programs, entire output screens (i.e., spread sheets) can be viewed while entering or editing data into cells of the spread sheets using the phantom keyboard to inhibiting the phantom keyboard form gaining or maintaining input focus (col. 3, lines 24-36).

In reference to claims 6-9, Ouellette discloses that if the SIMULATED KEYBOARD ON/OFF button 34 is "held down" or touched for several seconds, an OPTIONS or set-up screen appears, as shown in FIG. 4. The OPTIONS screen is illustrated as having a plurality of touch sensitive buttons 52-66 arranged by function. The "keyboard type" buttons 52, 54 control whether the keyboard is alphabetically arranged (i.e., alpha) or arranged as are conventional typewriter's keys (i.e., QWERTY), respectively. One or the other of the buttons 52, 54 can be pressed to indicate a users choice. The "sound" control 56 consists of on/off buttons, and is used to enable or disable, for example, the "click" that is customarily used as an audio indication of the pressing of a keyboard keys (col. 6, lines 42-58).

In reference to claims 11-21, refer to the rejection as applied to claims 3-10.

In reference to claims 23-24, refer to the rejection as applied to claims 1-2. In addition,

Fig. 5 shows an active program is superposed on the keyboard (active application retaining said

input focus during generation and receiving of user input).

In reference to claims 25-31, 32-37, and 39-43, refer to the rejections applied to claims 4-

22.

Claims 45-51, 53-61, 63-70, 72-75, 77-83 are method claims corresponding to the

apparatus of claims 1-42 and therefore, rejected based on the same basis set forth in said claims.

In reference to claim 84, Ouellette disclose a computer system in Fig. 1 shows a

computer system 10. At the working heart of the system 10 is a central processing unit ("CPU")

12 which communicates with a memory 13, a clock 14, and peripherals via a bus 15. These

peripherals include an interactive user interface 16; touch screen controller 18 and display

controller 20. The user interface 16 has a transparent touch-sensitive input screen or panel (the

"touch screen") 24 and a conventional display unit 26. The display unit 26 has an output screen

28. Preferably, the touch screen 24, overlays, i.e., mounts as a front plate directly over, the

output screen 28. Shown on the output screen 28 is a simulated keyboard, generally designated

at K (col 4, lines 46-60).

In reference to claim 85, Ouellette discloses the textual data shows in the application

window in Fig. 2 and 3.

In reference to claims 86-87, refer to the rejection as applied to claims 4-10.

In reference to claims 89-90, refer to the rejections as applied to claims 85-88.

In reference to claims 91-98, 100-103, refer to the rejection as applied to claims 1-22.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 105-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouellette

in view of Martin (U. S. Patent No. 5,448,263).

In reference to claims 105, Ouellette discloses everything except the system is used in an

electronic write board. Martin discloses a write board (see Fig. 1).

It would have been obvious for one of ordinary skill in the art at the time of the invention

was made to provide the system of Ouellette in the electronic write board for providing an data

input device that would produced an input device preferably operates using a memory resident

routine which is independent of the application program being run. For example, when used in

conjunction with spreadsheet programs, entire output screens (i.e., spread sheets) can be viewed

while entering or editing data into cells of the spread sheets using the phantom keyboard (col. 3,

lines 29-36).

In reference to claim 106, Ouellette discloses the other optional buttons in Fig. 4 outside

the keyboard region in sent to the CPU for processing.

In reference to claim 107-108, Ouellette discloses in FIG. 8 depicts a routine 100a of

algorithm 100 for installing the simulated keyboard program in memory 13. In block 102, the

simulated keyboard program is loaded into memory 13 and its calibration checked. This step

includes the entering of various routines 102b-102e.

In reference to claims 108-109, Ouellette disclose the process in FIG. 11 shows a SPECIAL-ACTIVE routine 102d. Whenever the toggle full screen button is pressed (mouse down event resulting from user contact on touch screen), this program determines whether to display or remove the Keyboard. Whenever the Keyboard is to be displayed, it is always displayed in the bottom half of the screen. In block 126 certain flags or parameters are set, including: ALTERNATE FULL which is set to false. Then routine 102d determines whether or not the Keyboard is active, if it is, then another parameter FULL SCREEN is set to true in block 130. Then a routine refresh display 102(e) is called, which shall be described next and is depicted in FIG. 12. The refresh display routine controls the painting of the screen and particularly is utilized to establish the phantom keyboard (col. 9, line 63 – col. 10, line 27).

In reference to claims 110-114, refer to the rejection as applied to claims 105-109. In addition, Martin discloses the projector coupled to the computer and projecting image output of the computer onto the electronic write board as claimed.

Allowable Subject Matter

6.   Claims 105-116 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited art teaches or suggests:

a controller executing a keyboard application and receiving said messages, said keyboard application processing said messages to provide data directly to the active application running on said computer corresponding to keys of said keyboard contacted by said user to bypass code of

said operating platform responsible for shifting input focus thereby to avoid input focus shifting

to said keyboard application in response to user contacts on said touch sensitive panel within said

keyboard window. (claims 105, 110)

processing events generated in response to contact on said touch sensitive panel within

said on-screen keyboard window and forwarding said processed events to said active application

to bypass code of said operating system responsible for shifting input focus and thereby inhibit a

shift in input focus from said active application to said on-screen keyboard. (claims 115)

7.   Claims 10, 16, 22, 32, 38, 44, 52, 62, 71, 76, 88, 99, and 104 are objected to as being

dependent upon a rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims. None of the cited

arts teaches or suggests:

the keyboard application forwards user input to said active application while bypassing

code of said operating platform responsible for handling mouse events and switching input focus

Response to Arguments

8.   Applicant's arguments filed March 3, 2005 have been fully considered but they are not

persuasive. Applicant argues that neither Outlette nor Martin either or alone or in combination

teaches or suggests inhibiting a keyboard application form gaining input focus when a user

contacts the touch panel within the keyboard window. (see pages 3-6 of the Remark).

However, as shown in Fig. 2, 3 and 5 and the above rejection, the simulated keyboard (keyboard

application) is used to enter and /or editing data (user contact the touch screen within the

keyboard window) to the active program (active application) without shifting the input focus to

the keyboard window; therefore, the active spreadsheet program retaining input focus during

generating and receiving of the user input from the phantom simulated keyboard; and the shift in

input focus from active program to the phantom simulated keyboard is inhibited. Martin

discloses a write board (see Fig. 1) for communicating with a computer system including

application software and an active application. It would have been obvious to provide the system

of Ouellette in the electronic write board for providing an data input device that would produced

an input device preferably operates using a memory resident routine which is independent of the

application program being run. For example, when used in conjunction with spreadsheet

programs, entire output screens (i.e., spread sheets) can be viewed while entering or editing data

into cells of the spread sheets using the phantom keyboard (col. 3, lines 29-36).

     Therefore, the rejection is maintained.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **DUC Q. DINH** whose telephone number is **(571) 272-7686** The

examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Edouard Patrick** can be reached on **(571)272-7603**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,

Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone

number is (703) 305-4700.

DUC Q DINH
Examiner
Art Unit 2674
DQD
June 3, 2005

REGINA LIANG
PRIMARY EXAMINER